



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 15, 2024

By ECF

The Honorable Kenneth M. Karas
United States District Judge
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Daniel Libit v. United States Military Academy et al.*, No. 23 Civ. 00845 (KMK)

Dear Judge Karas:

This Office represents the United States Military Academy (the “USMA” or the “Government”) in this action brought by Plaintiff Daniel Libit (“Plaintiff”) under the Freedom of Information Act (“FOIA”). This case concerns FOIA requests submitted by Plaintiff to USMA and the Army West Point Athletic Association (“AWPAA”) seeking records concerning USMA’s intercollegiate athletics programs.

Since the parties’ last status update of January 12, 2024, USMA has been actively engaged in processing certain emails of General Darryl A. Williams, which are responsive to Mr. Libit’s October 7, 2022, FOIA request (as further narrowed on November 21, 2022). Although the Government had expected to complete processing those emails by mid-February, upon additional review, the Government has determined that additional coordination is required. The Government will endeavor to complete that coordination promptly. In addition, USMA and Plaintiff are presently conferring about other documents requested in Mr. Libit’s October 7, 2022, FOIA request.

AWPAA has continued to search for responsive records since the last joint update, specifically with respect to Plaintiff’s request for agreements signed by or on behalf of AWPAA since January 1, 2021, regarding any television or radio partners for football; licensing, marketing, or sponsorship agreements; contracts for facility enhancements and capital projects in excess of \$100,000 including the Michie Stadium Preservation Project; the athletic department’s current apparel contract; football team-specific consulting contracts; athletic department consulting contracts; and media relations or crisis communication contracts.

In response to these continued efforts, AWPAA has recently located several responsive records and is preparing an additional production of non-exempt information. Specifically, there are several records responsive to contracts for capital projects and football-specific consulting contracts. This production, the third on behalf of AWPAA in response to this action by Plaintiff, is expected to be produced in the next 21 days.

* * * * *

The parties thank the Court for its consideration of this joint status report and propose to file their next joint status report within 60 days, or by May 14, 2024.

Respectfully,

DAMIAN WILLIAMS
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